

Message Text

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ACTION DLOS-06

INFO OCT-01 IO-13 ISO-00 AF-08 ARA-06 EA-07 EUR-12 NEA-10

OIC-02 FEA-01 ACDA-07 AGR-05 AID-05 CEA-01 CEQ-01

CG-00 CIAE-00 CIEP-01 COME-00 DODE-00 DOTE-00 EB-07

EPA-01 ERDA-05 FMC-01 TRSE-00 H-02 INR-07 INT-05

JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-06 OMB-01

PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06 SAL-01 /160 W

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TO SECSTATE WASHDC PRIORITY 9007

C O N F I D E N T I A L USUN 3582

FROM US LOSDEL

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS:INFORMAL PLENARY ON DISPUTE SETTLEMENT SEPTEMBER 3

1. INFORMAL PLENARY SEPTEMBER 3 COMPLETED ARTICLES 19 THROUGH 25 OF ANNEX 1C (STATUTE OF THE LOS TRIBUNAL). ARAB GROUP TOOK POSITION IN FAVOR OF ACCESS TO CDS FOR NATIONAL LIBERATION MOVEMENTS, AND GAVE WARNING OF GROUP'S POSITION THAT NLMS SHOULD BE ABLE TO BECOME PARTIES TO THE CONVENTION.

2. DEBATE ON ARTICLE 19 (FUNDING) QUICKLY EVOLVED INTO DEBATE ON ARTICLES 19-22 WHICH FOCUSED ON ACCESS TO THE LOS TRIBUNAL FOR ENTITIES OTHER THAN STATES. THE UNITED ARAB EMIRATES BEGAN WITH GENERAL SUPPORT FOR REFERENCES TO INTERNATIONAL ORGANIZATIONS IN ART. 19 AND, IN ADDITION, NATURAL AND JURIDICAL PERSONS IN 20 AND 21. BAHRAIN THEN PROPOSED RESURRECTION OF ART. 13, APRA. 4

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OF THE FIRST SNT, PART IV (DOC. A/CONF. 62/WP.9), WHICH

ALLOWED ACCESS TO DISPUTE SETTLEMENT PROCUDURES FOR OBSERVERS AT UNCLOS III. OMAN, QATAR, MOROCCO AND YUGOSLAVIA SUPPORTED BAHRAIN, WITH MOROCCO OTHEWISE LIMITING ACCESS TO STATES AND CONTRACTS WITH THE AUTHORITY. WHILE TUNISIA SPOKE, HER REMARKS WERE CONFINED TO ANOTHER RESERVATION OF POSITION.

3. PORTUGAL SUPPORTED ACCESS FOR INTERNATIONAL ORGANIZATIONS SINCE THEY HAVE RIGHTS AND DUTIES UNDER ARTS. 49 AND 75 OF PART III, FOR EXAMPLE. FRG POINTED OUT THAT THE EUROPEAN COMMUNITY MAY BE A PARTY, AND SHOULD HAVE ACCESS. URUGUAY AND VENEZUELA SUPPORTED ACCESS FOR STATES ONLY, SAVE IN RESPECT OF CONTRACTS BETWEEN THE AUTHORITY AND OTHER ENTITIES. INDIA QUESTIONED THE MEANING OF ACCESS UNDER AN INTERNATIONAL AGREEMENT BY VIRTUE ON ARTS. 20 AND 22, AND ZEROED IN ON REFERENCE TO QTE. PUBLIC OR PRIVATE UNQTE AGREEMENTS IN ART. 22, REQUESTING EXAMPLES OF WHAT IS MEANT. UK SAW THESE ARTICLES AS ENTIRELY CONSEQUENTIAL ON DECISIONS TO BE TAKEN ELSEWHERE.

4. US CONCLUDED DEBATE ON ACCESS WITH SHORT, SIMPLE STATEMENT THAT WE SUPPORT ACCESS ONLY FOR ALL CONTRACTING PARTIES, EXCEPT WITH RESPECT TO PRIVATE CONTRACTORS WITH THE AUTHORITY AND VESSEL OWNERS SEEKING RELEASE OF DETAINED VESSELS REFERENCING ART. 13 OF THE MAIN TEXT IN PART IV.

5. ART. 23 PROVOKED FRANCE TO PROPOSE ITS DELETION IN ORDER TO PRESERVE EXCLUSIVITY OF EUROPEAN COURT PROCEDURES WITHIN EEC. US AND URUGUAY POINTED OUT THAT 45. 23 REQUIRES AGREEMENT OF ALL THE PARTIES TO A PRIOR AGREEMENT IN ORDER TO BRING DISPUTES UNDER THAT AGREEMENT BEFORE THE TRIBUNAL, AND THAT THE PARTIES WOULD NOT AGREE IF IT WOULD PLACE THEM IN VIOLATION OF, OR BE DISADVANGAGEOUS TO THEM UNDER, THE PRIOR AGREEMENT. OTHER SPEAKERS SUPPORTED CONCEPT OF THE ARTICLE, WITH DELETION OF CONFUSING CROSS-REFERENCE TO ART. 3 AND BETTER DRAFTING TO AVOID EEC-TYPE PROBLEM.
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